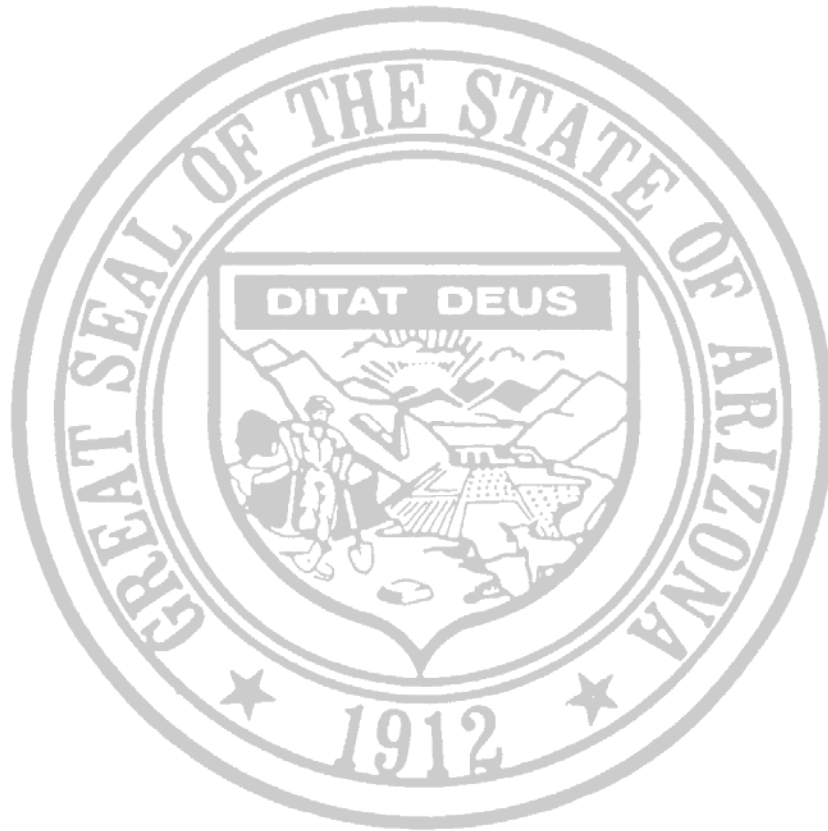


Arizona

Methods of Administration

Workforce Investment Act



Element Two:

Notice and Communication

ELEMENT TWO
NOTICE AND COMMUNICATION (29 CFR 37.30 through 37.36)

Purpose:

In this Element, the State addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.29 through 37.36. The State ensures the establishment of a notice and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public aware of both the recipient's obligation to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

Narrative:

- **The methods and frequency of dissemination of the notice, including initial dissemination. (See 29 CFR 37.29.)**

The initial notice of communication was transmitted in 2001 through the Local Planning Guide, which offered guidance and instructions for Local Workforce Investment Areas (LWIAs) in the preparation of the original Local Plans under Title 1 of WIA and the Wagner-Peyson Act, at the start of the Workforce Investment Act (WIA). This notice was followed later that year by the dissemination of the "Equal Opportunity is the Law" poster in English and Spanish including the name of the State WIA EO Officer in all 15 LWIAs and One-Stop Centers.

In February 2006, the "Equal Opportunity is the Law" poster in both English and Spanish, including the name of the current State WIA EO Officer, was sent to the Local Workforce Investment Areas (LWIAs) and EO Officers and Tribal TERO Officers electronically. This was done to allow the LWIAs to edit these documents to include information about the identification and contact information of the Equal Opportunity Officer for each LWIA or Tribe. These posters were updated in March 2006 to allow for the identification and contact information of the LWIA EO, the State WIA EO Officer, and the Director of the Civil Rights Center (CRC) in each poster. In Arizona, complaints may be filed at the local level, the State level or directly with CRC. These posters will be updated as needed and sent to the LWIAs in a timely manner in the future.

- **The means by which the notice is made available to individuals with disabilities. (See 29 CFR 37.31(b).)**

In the instructions for posting the "Equal Opportunity is the Law" poster, the LWIAs were instructed to read the poster to anyone who requests assistance, has indicated or staff have observed that he/she is visually impaired or might have difficulty reading the poster without assistance. Additionally, the same instructions included directions to

obtain tape recordings of the poster being read in English and Spanish, as well as a listing of other auxiliary aids that the LWIAs might consider for individuals with disabilities.

Auxiliary aids must be offered to individuals who request auxiliary aids, has indicated or staff have observed that he/she is visually or hearing impaired or might have difficulty reading. Auxiliary aids or services may include: qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments. Also used are qualified readers, taped texts, audio recordings, braille materials, large print materials, or other effective means of making visually delivered materials available to individuals with visual impairments.

- **The means by which the State ensures that recipients post the notice. (See 29 CFR 37.33.)**

The State of Arizona has notified each recipient in writing as required by the law under WIA to clearly display the “Equal Opportunity is the Law” poster in all facilities throughout the State of Arizona where WIA activities are conducted, including One-Stop Centers. The WIA Section program monitors have items in their current monitoring tool related to EO issues, including but not limited to checking to make sure the “Equal Opportunity is the Law” posters are prominently displayed.

- **The means by which a copy of the notice is placed in the participant’s file (see 29 CFR 37.31(a)), or where the files are maintained electronically, how the requirement of 37.31(a) is and will continue to be met.**

All 15 LWIAs in the State of Arizona are required, at the time of orientation, to include the notice detailing the EO law and all other WIA documentation in the participant’s permanent file. In Arizona, both paper and electronic files are maintained on participants. The WIA Section program monitors have items in their current monitoring tool which requires them to check that orientation agendas include a discussion of Equal Opportunity and nondiscrimination under WIA Section 188 and 29 CFR Part 37, and that a signed copy of the notice exists in participant paper files.

- **The means by which the State ensures that recruitment brochures and other material routinely made available to the public include the statements “Equal Opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities.” (See 29 CFR 37.34.(a).)**

In accordance with 29 CFR 37.34, all recipient publications (State, LWIA and sub-recipients) must include the EO policy statement that indicates the recipient is “an Equal Opportunity employer/program.” Additionally, all recipient publications must include the appropriate tag lines “auxiliary aids and services available upon request to individuals with disabilities.” The WIA Section of the DES/Employment Administration and LWIAs

include the EO policy statement and the appropriate tag lines in brochures, publications, and other broadcasts it disseminates. Each recipient is responsible for including the EO policy statement and the appropriate tag lines on all local-level brochures, publications, and broadcasts. The WIA Section monitors each recipient for compliance with this requirement during on-site compliance reviews using the Technical Assistance Guide.

- **Where a telephone number is included on recruitment brochures and other materials, the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments. (See 29 CFR 37.34(a).)**

During on-site compliance reviews, the WIA Section program monitors check each of the 15 LWIA Sites for recruitment brochures and other materials ensuring that such materials include a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments.

- **The means by which program-related information is published or broadcast in the news media (e.g., publication of Requests for Proposal) and the means by which the State ensures that publications/broadcasts state that the program is an Equal Opportunity employer/program and that auxiliary aid and services are available upon request to individuals with disabilities. (See 29 CFR 37.34(b).)**

As required by law under WIA, the State of Arizona requires that all recipients of WIA Title 1 financially assisted programs advertise in their broadcasts or media publications that they are an EO employer/program with auxiliary aids and services available upon request for persons with disabilities. During desk reviews, the WIA Section program monitors check the LWIA websites for statements that the program is an Equal Opportunity employer/program and that auxiliary aid and services are available upon request to individuals with disabilities. During on-site compliance reviews, the monitors check each of the 15 LWIA Sites for evidence that program-related information published in the news media (e.g., publication of Requests for Proposal) include statements that the program is an Equal Opportunity employer/program and that auxiliary aid and services are available upon request to individuals with disabilities.

- **The manner in which and extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of limited English-speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English. (See 29 CFR 37.35.)**

It is the policy of the Department of Economic Security (DES) to provide services and information in a language other than English for customers with Limited English Proficiency (LEP) in order to effectively inform or enable those customers to participate in departmental programs or activities. When a significant proportion of the population, eligible to be served or more likely to be directly affected by a DES program/activity, needs information in a single language other than English, the DES will translate its written program materials into that language and provide effective interpretation services

to members of the significant LEP group. DES will also provide interpreters for LEP customers who are not part of a significant group if the customer has meaningful access to DES programs and services. If an interpreter for the needed language cannot be located, the AT&T Language Line is used to serve the customer.

The State of Arizona completed an assessment in 1999 to determine minority population and their language needs. Based on this data, the Hispanic population is the majority of non-English speakers. As a result, the State of Arizona has developed a system to address Limited English Proficiency needs by using services or tools such as interpreters, Spanish translators, posters, etc.

When it became available in 2006, the Department of Economic Security/Research Administration immediately added the Census 2000 data provided by the US Department of Labor to its website at:

<http://www.workforce.az.gov/cgi/databrowsing/?PAGEID=4#LEP>

This allows LWIAs to get data online regarding Limited English populations in their specific area. Included at that site is a link to the Federal Register that contains the LEP Policy Guidance Document from the Department of Labor, Civil Rights Center. This Federal Register documents enforcement of Title VI of the Civil Rights Act of 1964; and is the revised guidance to Federal financial assistance recipients regarding the Title VI prohibition against national origin discrimination affecting Limited English Proficient persons (Revised DOL Recipient LEP Guidance). This Revised DOL Recipient LEP Guidance was issued pursuant to Executive Order 13166. Arizona will provide training in use of this data to allow LWIAs so they can annually assess the language needs of the populations they serve in their Local Areas.

- **The manner in which and extent to which orientations for registrants, applicants, eligible applicants/ registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIA section 188 and 29 CFR part 37. (See 29 CFR 37.36.)**

All Arizona LWIAs include a discussion of Equal Opportunity and Nondiscrimination rights as part of orientations for registrants, applicants, eligible applicants/ registrants, and employees. LWIAs are required, at the time of orientation, to include a written and signed copy of the notice detailing the EO law and all other WIA documentation in the participant's permanent file. The WIA Section programmatic monitors check the participants' permanent files for these documents during monitoring.

- **The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. (See 29 CFR 37.29(b).)**

The WIA Section monitors check to ensure that communication, offices and programs are physically accessible to disabled individuals. Additionally, monitors investigate efforts made to comply with programmatic accessibility.

- **The process the State has used and will continue using to develop and communicate policy and conduct training regarding nondiscrimination and Equal Opportunity. (See 29 CFR 37.25(c), and 37.54(d)(2)(iii), and 37.54(d)(2)(vi).)**

Employment Administration/WIA Section sponsored the 2006 State of Arizona Methods of Administration (MOA) Training on January 18 & 19, 2006 in Phoenix. Training was provided by CRC staff and covered MOA Development and Equal Opportunity Issues for State and LWIA staff. This training covered Equal Opportunity and nondiscrimination in discussion of the 9 elements required in the MOA.

The State of Arizona has used and will continue to use formally developed Policy Guidelines titled “WIA Guidance Letters” which are emailed to all LWIA staff as well as posted on the WIA Section website at:

<http://www.azdes.gov/wia/infomemos.asp>

In March 2006, the Arizona Discrimination Complaint Policy was issued and sent to all LWIAs. This policy included complaint processing procedures and contained the Arizona Discrimination Complaint form.

However, to make training accessible to more LWIA staff at lower cost, the WIA Section will strive to utilize technology based training in the future, in the form of online “Webinars” which combine internet based presentations coupled with telephonic conferences. An upcoming training on utilizing LEP data will combine a telephonic conference call with instructions on how the data used can be accessed on the DES/Research Administration website, allowing staff to access the data for their LWIA in real time as the conference call gives instructions on how to navigate to the site, download the data, etc.